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Lieutenant Governor

GUAM POLICE DEPARTMENT

DIPATTAMENTON POLISIAN GUAHAN

Government of Guam

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STEPHEN C. IGNACIO
Acting Chief of Police

March 8, 2019

Thomas J. Fisher, Esq.
Fisher & Associates
Attorneys-at-Law
Suite 101 De La Corte Building
167 East Marine Corps Drive
Hagatna, Guam 96910

Re: Sunshine Reform Act Request of February 11, 2019

Dear Attorney Fisher:

Buenas yan Hafa Adai. This letter acknowledges receipt of and is in response to your above- referenced letter dated February 11, 2019. After conferring with the Office of the Attorney General of Guam, we have now completed our search for, compilation and review of records responsive to your records request referenced above.

Your records request asked for:

“ . . . any order (general or otherwise), directive, standard operating procedure, policy or the like governing, regulating, or pertaining to the use, possession, and handling of firearms and/or the holstering of the same by members, employees or officers of the Guam Police Department. This applies to information under the request in whatsoever form it is saved or stored, electronic and otherwise. . . . ”

No responsive records are being withheld.

Following is a list of responsive records enclosed with this letter, with redactions for specific exemptions:

1). **GPD General Order 96-13 Firearms Manual**

Section IX. Submachine Gun (Automatic Rifle)

B.1 Procedure

Note: Redacted Pursuant to:

§ 10108. Limitation on Right of Inspection.

Except as provided in § 10109 of this Chapter, nothing in this Chapter shall be construed to require disclosure of records that are any of the following:

(b) Records of complaints to, or investigations conducted by, or records of intelligence information, or security procedures or information, of an agency or its personnel.

(m) For the Guam Police Department:

(3) investigation techniques, which if exposed, would threaten the safety of law enforcement officials and/or threaten the integrity of an investigation.

Section XII. Unattended Firearms

A & B.

Note: Redacted Pursuant to:

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(m) For the Guam Police Department:

(3) investigation techniques, which if exposed, would threaten the safety of law enforcement officials and/or threaten the integrity of an investigation.

Please see Enclosure 1: GPD General Order 96-13 Firearms Manual.

2). GPD General Order 97-03 Use of Force

Section V. Restrictions on the Use of Firearms

J. Handling of Firearms

1 to 8

Note: Redacted because it is rescinded by GPD General Order 11-08 Firearms

K. Holding Firearms on Suspects

1 & 2.

Note: Redacted because it is rescinded by GPD General Order 11-08 Firearms

Section VI. Carrying of Firearms and Ammunition Off Duty

Note: Redacted because it is rescinded by GPD General Order 11-08 Firearms

Section VIII. Use of Privately Owned Firearms on Official Duty

Note: Redacted because it is rescinded by GPD General Order 11-08 Firearms

Section X. Proficiency Required for Authorized for Special Firearms

Note: Redacted because it is rescinded by GPD General Order 11-08 Firearms

Section XI. Firearms Qualification

Note: Redacted because it is rescinded by GPD General Order 11-08 Firearms

Section XII. Authorized Weapons and Ammunition

Note: Redacted because it is rescinded by GPD General Order 11-08 Firearms

Section XIII. Monthly Reports

Note: Redacted because it is rescinded by GPD General Order 11-08 Firearms

Note: The pages contained within this general order skip from pages 6 to 8 (therefore there is no missing page).

Please see Enclosure 2: GPD General Order 97-03 Use of Force.

3). GPD General Order 11-03 Use of Force and Deadly Force

Section III. Procedures

B. Tactics, Applications, & Officer's Perceptions
6

(Page 10: Language content in paragraph 6 and paragraph 7).

(Page 11: Language content in letters b through d).

Note: Redacted Pursuant to:

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(m) For the Guam Police Department:

(3) investigation techniques, which if exposed, would threaten the safety of law enforcement officials and/or threaten the integrity of an investigation.

Please see Enclosure 3: GPD General Order 11-03 Use of Force and Deadly Force.


4). GPD General Order 11-08 Firearms

Section IV. Specifications for Issued Firearms

Thomas J. Fisher, Esq., Fisher & Associates
Re: Sunshine Reform Act Request of February 11, 2019
March 8, 2019
Page 6 of 6

This letter completes and concludes the Department's response to your records request of February 11, 2019. We have worked with AAG R. Happy Rons and others on this Sunshine Act response. AAG Rons is representing the Government of Guam in the Petition for Alternative Writ of Mandate or Order to Show Cause which you filed concerning this records request. If you have any questions about our response or the enclosed records, please contact AAG Rons at hrons@guamag.org; or by phone at 475-3324 x 3085, or on Ms. Rons' personal cell phone number which we understand you already have. Thank you.

Sincerely,


STEPHEN C. IGNACIO
Acting Chief of Police

Enclosure 1: GPD General Order 96-13 Firearms Manual
Enclosure 2: GPD General Order 97-03 Use of Force
Enclosure 3: GPD General Order 11-03 Use of Force and Deadly Force
Enclosure 4: GPD General Order 11-08 Firearms
Enclosure 5: GPD General Order 11-14 Patrol Rifle
SCI/RST/scr

(Page 8: Language content in No. 5).

Note: Redacted Pursuant to:

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(m) For the Guam Police Department:

(3) investigation techniques, which if exposed, would threaten the safety of law enforcement officials and/or threaten the integrity of an investigation.

Please see Enclosure 4: GPD General Order 11-08 Firearms.

5). GPD General Order 11-14 Patrol Rifle

Section X. Rifle Deployment Procedures

(Page 8: Language content in last sentence of first paragraph and following numbers 1 through 5).

Note: Redacted Pursuant to:

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(3) investigation techniques, which if exposed, would threaten the safety of law enforcement officials and/or threaten the integrity of an investigation.

Please see Enclosure 5: GPD General Order 11-14 Patrol Rifle.

ENCLOSURE 1

GUAM POLICE DEPARTMENT

GENERAL ORDER 86-13 FIREARMS MANUAL

Received By:

Date:



GUAM POLICE DEPARTMENT
AGANA, GUAM

VOLUME V-B

		Page _____ of _____	
GENERAL ORDER:		Date of Issue: July 30, 1986	Effective: 7/30/86
			No. 86-13
Reference:		Recinds: G.O. 80-08, 82-05 & 84-06	
Index As:			

SUBJECT: Firearms Manual

PURPOSE: To establish guidelines relating to firearms authorized for use by Guam Police Department personnel, procedures regulating the use of privately owned firearms for police service, and the investigations of cases in which death or injury results from the use of firearms by Department personnel.

THIS ORDER CONSISTS OF THE FOLLOWING NUMBERED SECTIONS:

- I. OBJECTIVE
- II. POLICY
- III. GOVERNMENT OWNED FIREARMS
- IV. PRIVATELY OWNED FIREARMS
- V. AUTHORIZED AMMUNITION
- VI. QUALIFICATION OF DEPARTMENTAL AND PRIVATE FIREARMS
- VII. INSPECTION PROCEDURES
- VIII. CARE, CUSTODY AND OTHER RESPONSIBILITIES
- IX. SUBMACHINE GUN
- X. JUSTIFIABLE USE OF FIREARMS
- XI. INVESTIGATIVE PROCEDURE
- XII. UNATTENDED FIREARMS
- XIII. MEDICATION

I. OBJECTIVE

To ensure complete procedures concerning firearms for police personnel are established. To establish a consolidated policy concerning firearm regulations for Guam Police Department and interested parties.

II. POLICY

Guam Police Department police officers should be adequately armed for the protection of the general public as well as themselves. As long as members of society are victims of violent crime and officers in the performance of their duties are confronted with deadly force, it will remain an absolute necessity for police officers to be properly armed and qualified to use deadly force. However, it is of the utmost importance, when possible, to accomplish police mission through means other than the use of firearms.

III. GOVERNMENT OWNED FIREARMS

The following firearms, which are government-owned, may be issued for police service, as deemed necessary, and may be carried on the Department's inventory.

A. Authorized Firearms

1. .38 special revolver
2. .357 magnum revolver
3. 9mm revolver
4. 9mm semi-automatic pistol
5. .44 special revolver
6. .45 semi-automatic pistol

Shotguns

1. .12 gauge

Rifles

1. .2~~3~~3 caliber
2. .308 caliber
3. .30-06 caliber

Automatic Weapons (Machine Guns)

1. 9mm submachine guns
2. .223 caliber submachine guns (M-16)

B. Specifications for Hand-Held Weapons

The approved and authorized firearm to be issued to personnel of the Guam Police shall be the following: .38 special, .357 magnum, .9mm, .44 special, .44 magnum, and .45 caliber. The weapons shall have a blue, chrome, or stainless steel finish, with a barrel length of not less than four inches for uniformed

patrol and not less than two inches for non-uniformed officers, to include staff officers. The Chief of Police, at his/her discretion, may make changes in the types of weapons to be used.

IV. PRIVATELY OWNED FIREARMS

A. Restrictions

1. All privately owned firearms for police service must be approved by the Chief of Police or his authorized designee. At the discretion of the Chief or his authorized designee, privately owned firearms of calibers, other than those calibers listed in Paragraph III. A. of this Order, may be approved for official use.
2. GPD is not responsible for loss of or damage to privately owned firearms used by GPD employees for official purposes.

B. Authorized Firearms

The following firearms owned by individual officers may be authorized for police service:

1. Revolvers or semi-automatic pistols
2. Rifles
3. Shotguns

C. Registration of Privately Owned Firearms for Official Use

1. All privately owned firearms to be used in police service must first be approved by the Chief or his written designee(s) by completion and submission through channels of the "Request for Use of Privately Owned Firearms on Official Duty" (see attachment for copy of form).
2. After the form has been approved, a copy shall be taken to Armory, and Records and Identification Division to be placed on file.
3. Armory Unit shall be responsible for maintaining and making available sufficient copies of the Departmental form "Request for Use of Privately Owned Firearm on Official Duty".
4. Armory and Records and Identification Divisions shall be responsible for maintaining a copy of all approved "Request for Use of Privately Owned Firearm on Official Duty" forms on file and shall ensure the file is kept current.
5. After completion of the above procedures, the officer shall turn in his/her Government of Guam Issued firearm (provided it is no longer necessary for his/her duties) to the Armory and the Armory personnel shall then adjust their records.

6. Backup firearms are permitted to be carried by GPD officers. However, if it is a privately-owned firearm it must be authorized in the same manner as any other privately owned weapon authorized for official police duty.
7. The express purpose of having all privately owned firearms used for official duty, authorized and file kept on these firearms by Records and Identification Division is for:
 - a. Administrative control of all weapons being used in police services.
 - b. A safeguard against theft of any such weapon.
 - c. Official recognition of all firearms in police service.
8. The use of privately owned firearm for official duty is a privilege and is subject to revocation for reasonable cause.

V. AUTHORIZED AMMUNITION

- A. All ammunition must be safe and in good condition. Personnel shall be issued factory-load ammunition. Under no circumstances may an officer use "wad-cutter" or reloaded" ammunition for official duty.

- B. Personnel shall be issued at least 18 rounds of ammunition at initial employment.

When carrying privately owned or supplemental firearms, detectives and other plainclothes officers shall carry at least 12 rounds of ammunition for the revolver or one extra magazine of ammunition for the semi-automatic.

- C. If the officer is not issued a firearm but is authorized to use his/her own, he/she will be issued the ammunition that is generally in stock at the Armory Unit.
- D. Ammunition issued shall be turned-in for exchange six months from the date of issue, or sooner if circumstances indicate that the condition of the ammunition is adversely affected, such as exposure to inclement weather. The Armory Unit shall receive the ammunition turned-in and store it for target practice.
- E. Personnel are not precluded from buying their own factory-load ammunition and using them on duty. But it is their responsibility to ensure that such ammunition meet departmental specification and have not exceeded their safe life expectancy.

VI. QUALIFICATION OF DEPARTMENTAL AND PRIVATE FIREARMS

A. Departmental Firearms

1. All Departmental firearms will be inspected prior to qualifying.

2. If the weapon is found to be unsafe for firing it will be turned in to the Armory/Range Master.
3. Firearms Qualification form will be filled out and signed by all Departmental Personnel.
4. Copies of the Qualification forms will be maintained at Personnel and Armory units.
5. A written report of qualification will be submitted to the Chief of Police by the Armory/Range Master.

B. Private Firearms

Private firearms will conform to Section IV. Paragraph A of this General Order.

C. Certifying Officer/Range Master

Certifying Officer/Range Master must be certified through Department of Defense and/or Nationally Certified.

D. The following course of fire shall be used for Departmental qualification:

1. 25 yards, 12 rounds of ammunition, at a 45 second time limit. The 12 rounds will be fired from the standing barricade right and left, six rounds from each side.
2. 15 yards, 18 rounds, at one minute time limit. 6 rounds will be fired from the left side, from the top, and six rounds from the right side. All 18 rounds will be fired from the kneeling barricade position.
3. 10 yards, 10 rounds of ammunition, 25 second time limit. 5 rounds fired from the standing two handed shoulder point, both left and right handed.
4. 5 yards, 10 rounds, 20 seconds time limit. All 10 rounds of ammunition will be fired with the strong hand, from the hip.
5. After each stage of five, the shooter will reload his weapon and holster.
6. At the command of the Rangemaster the shooter will move forward to the next stage of five.

E. Scoring

A total of 50 rounds will be shot. Two (2) points per hit. A possible score of 100 the minimum acceptable score is 76.

F. At the direction of the Chief of Police firearms requalification will be administered as stipulated in Section VI of this Order.

VII. INSPECTION PROCEDURES

A. Inspection of Supplemental Firearms

1. Privately owned firearms intended for Departmental use shall be inspected initially by the Guam Police Department Armorer and every three (3) months thereafter or as often as the Guam Police Department Inspector or Chief may require.
2. Firearms found to be unserviceable or otherwise not meeting the specifications of this Order shall not be used in the performance of duty.

B. Inspection of Department's Firearms

1. All Department's firearms are to be kept in serviceable condition at all times.
2. Armory Unit is charged with the responsibility of causing all Department's firearms to be inspected by the Armorer every three (3) months. All Guam Police firearms found not be serviceable are to be repaired or shall not be used for official duty by personnel concerned.
3. Weapons found damaged and nonserviceable, due to the officers negligence, will be replaced or repaired at his/her expense.
4. It shall be the responsibility of all Bureau and/or Division Heads to insure that monthly firearms inspections are conducted.
 - a. Field Supervisors at each Precinct shall conduct firearms inspection at roll-call formation.
 - b. Supervisors in charge of plainclothes units or units composed of personnel on special or temporary duty assignment are also to conduct firearms inspection before such personnel assume duty.
 - c. Supervisor(s) conducting firearms inspection shall pay particular attention on the following conditions and/or functions.
 - 1) Proper double action;
 - 2) Proper cylinder rotation and latching;
 - 3) Firing pins and sights (shear pin or damaged sights)
 - 4) Bore and chambers (rust, dirt, pin or damaged sights);
 - 5) Cartridges (corrosion, old and ammunition, or cartridges) not conforming to order.

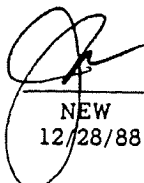
6) Proper slide action ejection.

- d. Unserviceable firearms are to be sent to the Guam Police Department Armorer for inspection and repair.

VIII. CARE, CUSTODY AND OTHER RESPONSIBILITIES

A. General Responsibilities

1. Personnel are to exercise care and caution in the safekeeping and storage of weapons and equipment to insure against loss, theft, or misappropriation resulting in accidental usage (i.e., theft from home or automobile, the use of a firearm by a minor child or any unauthorized person). Personnel suffering the loss or theft of any firearm, or issued equipment through carelessness or negligence shall be disciplined and required to pay for the replacement of same if it is an item of issue. (As stated in Item XII, Unattended Firearms).
2. Upon discovery of the theft or loss of any firearm or revolver, a numbered police report will be written by the victimized officer to the Chief of Police via appropriate channels, and Armory.
3. Officers must always exercise precaution concerning bystanders. Injury to innocent bystanders is not necessarily excused by the fact that the policeman would have been legally justified in shooting to accomplish arrest. The risk of death to any person should be minimized.
4. Officers shall never cock their sidearm until ready to fire. An officer should not fire his/her weapon while he/she is running, because running adversely affects accuracy; rather, he/she should stop, take careful aim, fire, then continue to run if necessary.
5. In every instance where a firearm is discharged by personnel of this Department, a detailed written report shall immediately be prepared and submitted to the Chief of Police.
6. All unauthorized use of firearm whether on-duty or off-duty is strictly prohibited and is subject to appropriate disciplinary action.
7. Department issued weapons or privately owned weapons authorized for official purposes shall not be loaned to anyone.
8. Individual officer owned firearms shall, in accordance with the laws of Guam, not be loaned to any person not possessing a current and valid Guam Firearms I.D.
9. It shall be the responsibility of all Bureau, Division and/or Unit Heads to insure that submachine guns, rifles, and shotguns are issued only during special operations or tactical use. Submachine guns, rifles and shotguns shall


NEW
12/28/88

[Signature]
12/28/88

be stored at their designated security booth at the end of each operation or tour of duty. The above weapons are not permitted on a take home basis.

IX. SUBMACHINE GUN (Automatic Rifle)

A. Restrictions

1. Only personnel who have been trained and properly qualified to use a submachine gun, shall be authorized to use the submachine gun furnished by the Department.
2. The use of the submachine gun shall be considered an alternate to the use of the police shotgun under appropriate circumstances and is not intended as a replacement for the shotgun or high-power rifle.
3. Submachine guns shall not be discharged in any situation where there exists any risk of injury to innocent persons. Personnel armed with submachine guns shall withhold automatic fire rather than risk accidental injury or death.
4. The use of submachine guns, regardless of type or make is prohibited except those issued by the Guam Police Department.
5. Submachine guns shall not be used indiscriminately or in anticipation against mere threat of armed attack or resistance.

B. Procedure

1. 
 - a. 
 - b. 
 - c. 
2. 

C. After Use

1. The immediate officer-in-charge of the authorized sub-machine gun user shall check the number of rounds expended from each issued magazine at the end of each operation or tour of duty.

as to whether or not the officer should be relieved of further field duty pending the outcome of the investigation of the matter shall, if appropriate, immediately relieve the officer from duty.

2. Should a relief from duty be deemed necessary, it shall be with compensation and not be construed to be a disciplinary action, but rather an administrative course of action for the purpose of:
 - a. Relieving the officer from further performance of field duties while undergoing the emotional stress of having used deadly force.
 - b. Permitting an objective investigation into the matter under a more restrained atmosphere.
 - c. Maintaining the public's confidence in the police force.
3. In a case in which the relief from duty had been imposed, the officer shall be restored to his original assignment as soon as it is determined from the investigation that his action was justified.

B. Expeditious Investigation

1. Without sacrificing objectivity and completeness, the investigation into any duty-connected shooting resulting in death or injury shall be expeditiously conducted by the Inspector, GPD supported by an investigation performance by the head of any Bureau or Independent unit or any of his personnel prior to take over of the investigation by personnel from the Inspector's Office.
2. The completed investigative report upon review of the Internal Affairs Unit shall be forwarded to the Chief of Police who will forward the report to the Attorney General for his review and determine whether or not the matter shall be presented to the Grand Jury.

C. Summary

1. Responsible officer reports shooting incident to his immediate superior in a timely manner.
2. Responsible officer and his Superior Officer submit detailed written reports to the Chief immediately.
3. Superior Officer and Chief of Police to confer in order to determine if the officer is to be administratively removed from duty.
4. The Inspector will conduct a complete formal investigation of the shooting, submit his findings to the Chief for his disposition.

5. The Chief shall determine if formal charges are warranted. If so, a copy of the formal report with the Chief's recommendation shall be forwarded to the Attorney General for his action.

XII. UNATTENDED FIREARMS

A. [REDACTED]

B. [REDACTED]

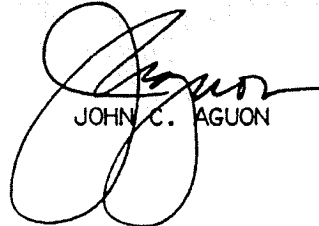
- C. Public access means a place or thing to which the people as a whole (the public) have permission or liberty to enter, approach, or pass to and from in the normal course of events i.e., shopping centers, beaches, parking on public streets, etc.

An employee's office or desk of which he has exclusive use is not an area of public access, except by invitation. Regardless, firearms shall not be left unattended in these areas when persons other than employees of the Department are present. In no case shall a firearm be stored unattended in plain sight, nor shall they be left in an office or desk after the employee's tour of duty.

- D. Firearms stolen as a result of noncompliance with this Order, if used in the commission of a crime, or if used to inflict personal injury will result in severe disciplinary action for the officer involved.
- E. Damage to or loss of a GPD-owned firearm as a result of noncompliance with this Order shall be dealt with severely, even if the firearm in question is not used in the commission of a crime.

XIII. MEDICATION

Anytime an officer is taking medication, prescription or otherwise, that may affect his/her mental or physical faculties, it is that officer's responsibility to inform his/her supervisor. If the medication produces side-effects that interfere with the proper use of firearm, the supervisor shall not allow the officer to assume duties requiring the bearing of firearms or other duties that might be adversely affected.



JOHN C. AGUON

Attachments

GOVERNMENT OF GUAM
GUAM POLICE DEPARTMENT

REQUEST FOR USE OF PRIVATELY OWNED FIREARM(S) WHILE ON OFFICIAL DUTY

NAME OF OFFICER		RANK	UNIT ASSIGNED	DATE OF REQUEST
DESCRIPTION OF FIREARM				
MAKE	MODEL	TYPE	CALIBER	SERIAL NUMBER
NAME OF REGISTERED OWNER			FIREARM I.D. CARD NUMBER	
REASON FOR REQUEST				
<p>I fully understand the use of a privately owned firearm(s) for official duty is subject to the same rules and regulations of the Guam Police Department as to the use of a government issued weapon.</p>				
OFFICER'S SIGNATURE				
SAFETY AND PROFICIENCY CERTIFICATION (50 ROUND COURSE)				
The above weapon was inspected and found to be in good working order.				
NAME OF CERTIFYING OFFICER/ARMORER			RANK/SIGNATURE/DATE	
COMMENTS: _____				
HIGHEST POSSIBLE SCORE		PASSING SCORE	REQUESTOR'S SCORE DATE OF QUALIFICATION	
NAME OF RANGEMASTER			RANK/SIGNATURE/DATE	
COMMENTS:				
NAME OF DIVISION COMMANDER			RANK/SIGNATURE/DATE	
COMMENTS:				
NAME OF BUREAU CHIEF			RANK/SIGNATURE/DATE	
COMMENTS:				
CHIEF OF POLICE			APPROVED/DATE DISAPPROVED/DATE	

NOTE: A COPY MUST BE FORWARDED TO THE RECORDS DIVISION.

ENCLOSURE 2

GUAM POLICE DEPARTMENT

GENERAL ORDER 97-03 USE OF FORCE

Received By:

Date:

- IX. SUBMISSION OF WRITTEN REPORT UPON DISCHARGE OF FIREARM
- X. PROFICIENCY REQUIRED FOR AUTHORIZED SPECIAL WEAPONS
- XI. FIREARM QUALIFICATION
- XII. AUTHORIZED WEAPONS AND AMMUNITION
- XIII. MONTHLY INSPECTIONS

- XIV. USE OF FORCE REPORTING
- XV. REVIEW PROCEDURE FOR USE OF FORCE INCIDENT INVOLVING SERIOUS BODILY INJURY OR THE USE OF A FIREARM
- XVI. CHIEF'S REVIEW OF USE OF FORCE INCIDENT
- XVII. RELIEF FROM DUTY

I. POLICY

- A. This policy provides basic guidelines governing the use of force so that officers can be confident in exercising judgement as to its application. The policy will be viewed as an administrative guide for decision-making before the fact and violations of this policy will only form the basis for departmental sanctions. The standards established by this policy may be more exacting than the standards applicable in civil or criminal proceedings. These standards are not for use by courts to establish civil or criminal liability, but shall be limited to the uses set out above.
- B. While the use of force may be necessary in situations which cannot be otherwise controlled, the use of force by officers shall, whenever possible, be progressive in nature. Officers shall use only the force necessary to achieve lawful objectives.

- IX. SUBMISSION OF WRITTEN REPORT UPON DISCHARGE OF FIREARM
- X. PROFICIENCY REQUIRED FOR AUTHORIZED SPECIAL WEAPONS
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- B. While the use of force may be necessary in situations which cannot be otherwise controlled, the use of force by officers shall, whenever possible, be progressive in nature. Officers shall use only the force necessary to achieve lawful objectives.

- C. Escalation of the Use of Force - The escalation of the use of force is based on resistance. When the use of force is necessary, the degree of force that is employed should be in direct relationship to the amount of resistance employed by the person or the immediate threat the person poses to the officer.
1. Verbal Force/Communication - Verbal commands must be given to direct and let the subject know what you expect of him. When effecting arrest, the subject should know by what authority you have to act and what the subject must do to comply. Verbal Force may be in the form of persuasion, advice, warnings, or orders. Volume and tone control in and of itself may be progressive in nature.
 2. Unarmed Tactics - This involves actual physical contact when the subject used passive resistance or the subject needs prompting to comply by physical means. The use of pain compliance holds, escort position or pressure point control tactics could be methods used.
 3. Use of Non-Lethal Weapon - This involves the use of impact weapons or aerosol irritant projectors to control persons who become aggressive or provide active or aggressive physical resistance.
 4. Use of Deadly Force - When a subject attacks with a weapon or with the intent to do serious physical injury, it may be necessary to use deadly force as described in Section II.

II. USE OF DEADLY FORCE IN DEFENSE OF HUMAN LIFE

The use of deadly force is authorized only when an officer reasonably believes that it is necessary to protect himself or others from an immediate threat of death or serious bodily harm.

- A. "Reasonable belief" means the facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- B. "Serious physical injury" means a bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

III. FLEEING FELON--NOT AN EXCEPTION

Deadly force may be used to apprehend a fleeing felon (a person who an officer has reasonable cause to believe has committed a violent felony and is fleeing from the officer) only if the requirements of Section II above, are met.

IV. PRECONDITION TO CARRYING FIREARMS

All sworn personnel of this Department will be issued copies of this order and will be instructed in the policies governing the use of force prior to being authorized to carry a firearm.

V. RESTRICTIONS ON THE USE OF FIREARMS

- A. Verbal Warning - When officers are about to invoke the use of deadly force, they will, when possible or practicable, issue a verbal warning to the suspect in which officers will identify themselves as police officers and instruct the suspect to cease whatever action the suspect is doing that has caused the officer to consider the use of deadly force.
- B. Shoot to Stop - An officer does not shoot to kill, but rather to incapacitate or stop an assailant from completing a potentially deadly act as described in this order. For maximum stopping effectiveness and minimal danger to innocent bystanders, officers should shoot at "center body mass".
- C. Warning shots - Officers may not discharge their weapons for the purpose of a warning shot.
- D. Risk to General Public - When officers are about to discharge their firearms, they will be cognizant of their field of fire and will not unnecessarily create a substantial risk of harm to innocent persons.
- E. At or From Moving Vehicles - Firing from moving vehicles is prohibited and firing at moving vehicles is generally prohibited. Experience shows such actions are rarely effective and are extremely hazardous to innocent persons.
- F. Under the Influence of Medication - Officers may not use or carry any firearm or dangerous ordinance while under the influence of prescription

medication. If an officer is directed to assume duty while taking medication, the officer shall inform his supervisor who shall remove the officer from duties which require the carrying of arms and assign the officer to appropriate duties or secure the officer from duty if necessary.

- G. Unattended Firearms - At any time that a police officer leaves a weapon unattended, it shall be his/her responsibility to ensure that the weapon is secured in a locked place such as in the locked compartment or trunk of their vehicles, locked private residence, etc. Officers will secure and store weapons both on and off duty in such a way as to ensure no unauthorized person will have access to or gain control over the weapon.
- H. Retention of Firearms - Officers should not surrender their firearms to any person except to other law enforcement personnel executing official duties.
- I. Drawing or Exhibiting Firearms - An officer shall not draw or exhibit his firearm unless the officer reasonably believes that a threat of deadly force is present.
- J. [REDACTED]
1. [REDACTED]
 2. [REDACTED]
 3. [REDACTED]
 4. [REDACTED]
 5. [REDACTED]
 6. [REDACTED]
 7. [REDACTED]

VI. CARRYING OF FIREARMS AND AMMUNITION WHILE OFF DUTY

VII. USE OF NON-LETHAL WEAPONS

- A. Justification - An officer is justified in using non-lethal weapons to gain compliance with a lawful order when:
1. The use of lesser means has failed or clearly would not be effective; and,
 2. The force used is not more than is required to gain compliance.

VIII. USE OF PRIVATELY OWNED FIREARMS ON OFFICIAL DUTY

[REDACTED]

[REDACTED]

B. [REDACTED]

IX. SUBMISSION OF WRITTEN REPORT UPON DISCHARGE OF FIREARM

- A. A written report shall be submitted and forwarded through channels to the Chief of Police whenever an employee discharges a firearm, other than in routine firearms training or for recreational purposes. The report should set forth all circumstances surrounding the incident. If the facts of an incident support a conclusion that the shot was the result of negligence, the officer will be required to undergo firearms certification training again.
- B. The employee discharging the firearm shall be responsible for completing the report, which must be submitted within the first working day immediately following the incident. If the employee is unable to do so, then the immediate supervisor of the employee is responsible to ensure the report is completed.

X. PROFICIENCY REQUIRED FOR AUTHORIZED SPECIAL FIREARMS

[REDACTED]

designated security booth at the end of each operation or tour of duty.

XI. FIREARM QUALIFICATION

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

XII. AUTHORIZED WEAPONS AND AMMUNITION

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

MONTHLY INSPECTIONS

[REDACTED]

XIV. USE OF FORCE REPORTING

- A. When an officer takes any action that results in (or is alleged to have resulted in) injury or death to another person including traffic accidents and/or applies force through the use of lethal or non-lethal weapons, an official police report shall be submitted which shall include the circumstances surrounding the incident, a description of injuries, medical treatment received and the type of weapons involved.
- B. The officer involved in the altercation shall notify both the beat area supervisor and their immediate supervisor.
- C. The beat area supervisor where the incident occurred is responsible for ensuring that the report is completed and a copy forwarded to the involved employee's commanding officer.

XV. REVIEW PROCEDURE FOR USE OF FORCE INCIDENT INVOLVING SERIOUS BODILY INJURY OR THE USE OF A FIREARM

When an officer is involved in a shooting incident the responding officers should promptly remove from the scene the officer or officers involved.

Incidents involving the application of force through the use of a firearm or incidents involving serious physical injury or death shall be reported immediately by the employee's supervisor to the Internal Affairs Section for investigation and further disposition.

The employee's supervisor should be responsible for arranging contact with the family of the officer involved in the shooting and peer support counselor. If the officer wishes to contact an attorney, that communication should be facilitated. The employee's supervisor or the Internal Affairs Investigator shall contact the Staff Psychologist if upon their observation of the employee that the services of the Staff Psychologist is needed.

Officers at the scene should provide a compassionate response to the officer(s) involved in a shooting. The Staff Psychologist should assess the mental status of the officer as soon as possible. The officer's weapon should be confiscated. However, a replacement weapon can be issued after a 24-hour period, upon the recommendation of the Staff Psychologist. If the psychological evaluation determines that the officer is emotionally affected by the experience, he or she should not be given a replacement weapon and a period of rest of no more than

24 hours before a detailed interview should be allowed.

Administrative and criminal investigations should be conducted with tact, and measures should be taken to treat the officer involved in a shooting incident with the same respect that any officer taking a line of duty action deserves.

Any officer involved in a shooting incident may be placed on administrative leave, and mandatory counseling should be provided within the next two days. Counseling should be extended to the officer's family on voluntary basis.

XVI. CHIEF'S REVIEW OF USE OF FORCE INCIDENT

Internal Affairs Section shall conduct an investigation in circumstances described in Section XV and forward a copy of a report of its investigation to the G.P.D. Legal Office. The Legal Office shall submit a summary of findings to the Chief of Police. The findings shall include the relevant facts and circumstances surrounding the incident and a conclusion as to whether department directives were violated.

XVII. RELIEF FROM DUTY

- A. In the event that the use of force by an officer results in death or serious injury, the officer shall be relieved from line-duty assignments pending an administrative review of the case. The officer may be assigned to desk watch or other non-line assignment or may be assigned to Administrative Leave with pay base on recommendation of the Staff Psychologist.
- B. To defuse the stigma of seeking counseling, there shall be a confidential debriefing with the Staff Psychologist prior to returning to duty. This debriefing should be held as soon after the incident as practical. Return to duty and/or follow-up sessions should be determined by the Staff Psychologist.
- C. The officer shall not be returned to a field assignment until the conclusion of the investigation and it is deemed appropriate by his commanding officer and the Chief of Police as recommended by Department Psychologist.


J.M. MARQUES
Acting

ENCLOSURE 3

GUAM POLICE DEPARTMENT

GENERAL ORDER 11-03 USE OF FORCE

AND DEADLY FORCE

Received By:

Date:



**GUAM POLICE DEPARTMENT
HAGATÑA, GUAM**

VOL. V-A

General Order Reference:	Date of Issue: 03/08/11	Effective: 03/08/11	No. 11-03
	Rescinds:		

Subject: USE OF FORCE AND DEADLY FORCE

Purpose: To establish a policy in the use of Force and Deadly Force

THIS ORDER CONSISTS OF THE FOLLOWING NUMBERED SECTIONS:

- I. POLICY**
- II. DEFINITIONS**
- III. PROCEDURES**

I. POLICY

Human life is sacred. Protecting innocent human life is the most important mission of Guam Police Department. Apprehending non-violent suspects and criminals is less important than protecting innocent human life, including the protection of the officer's own life.

Officers maintain a readiness and ability to act in instances where, in *their perception*, the use of force or deadly force may be appropriate. By maintaining readiness and a capacity to employ a variety of skill sets officers may reduce the likelihood of opposition and of the actual need for a forceful response. While *officer discretion* is critical, the need to balance applications of force against accountability is essential. Officers only use the amount of force reasonably necessary to protect life and enforce the law under guidelines established by the Constitution of the United States, the Organic Act of Guam, established local and federal law, and as articulated in this General Order.

II. DEFINITIONS

- A. **Authorized weapon** - A weapon approved by Guam Police Department and sanctioned for use by its department employee to be uniformed personnel, detention officers and CVPR when exercising police authority. No weapon is authorized for carry or use unless the agency expressly approves it and the uniformed personnel department employee to be uniformed personnel, detention officer and CVPR when exercising police authority has demonstrated proficiency with the weapon type in accordance with agency guidelines.
- B. **Auxiliary weapons of availability** - An employee may become separated from their agency issued firearm or other authorized weapons. Should this occur, the employee might have access to a *weapon of opportunity*, including but not limited to a flash light, citation holder, handcuffs, tools, lumber, or any object that could be used as a weapon in the defense of self or another.
- C. **Baton or expandable baton** - An impact weapon capable of inflicting bodily injury by striking with a portion of the weapon. Only batons authorized by the agency are carried or used. Carrying or using saps, *Billy clubs*, or *slapjacks* is prohibited.
- D. **Chemical weapon - Weapons** capable of temporarily incapacitating a person through the controlled release of some chemical irritant or agent.
- E. **Certification with weapon - Officer** has demonstrated proficiency with a particular weapon, and is tested in its safe care and use. The officer is thereby authorized to carry and use this weapon in the performance of his/her official duties regardless of whether the officer is on-duty or off-duty. Without such certification, the officer may not carry or use this or a similar weapon.
- F. **Deadly force** - Action, with or without the use of a weapon, intended to cause death or serious bodily injury; or, the use of any object in a manner intended to cause death or serious bodily injury.
- G. **Electronic Control Device [ECD]** - A non-deadly or defense weapon designed to stop an attack; subdue fleeing, belligerent, or potentially dangerous subjects; or stop a perceived threat of suicide or self inflicted injury. The device used may be hand-held, shoulder fired munitions, or a hand discharged device. In most configurations such devices are an electroshock weapon that uses electrical current to disrupt voluntary control of muscles. Sometimes called an *electronic stun device* in general. Also often referred to as a TASER™ due to this manufacturer's high profile presence in the market.

- H. **Exigent circumstances** - Conditions that are of such urgency and seriousness as to justify a warrantless entry, search, or seizure by officers.
- I. **Firearm** - Any device designated, made, or adapted to expel a projectile through a barrel by using energy generated by rapidly expanding gases or any device readily convertible to that use; including all handguns, rifles, and shotguns.
- J. **Force or non-deadly force**- Actions not calculated under the circumstances to cause death or serious bodily injury.
- K. **Knife** - Any edged weapon that is designed to inflict serious bodily injury or death by stabbing, cutting, slicing, whether legal or illegal, and including swords, daggers, axes, hatchets, etc.
- L. **Lateral vascular neck restraint [LVNR]** - A method or manner of restraining or controlling a person by physically restraining the person's neck from behind. The technique involves the initial restraint of a person through contact and control methods which may ultimately be used to incapacitate the person by rendering the person temporarily unconscious where the person refuses to submit to lesser levels of control.
- M. **Non-deadly force** - Procedures or weapons designed to provide *force*, but force not intended to kill. The *non-deadly* force concept is also commonly referred to as *less than deadly*, or *less than lethal* force. Regardless of the application name, reasonable officers know that – although unlikely – any force, especially when applied under, *tense, uncertain, and rapidly evolving situations*, may cause injury, or death, despite the best intentions of the officer.
- N. **Physical strength and skill** - Any physical actions by one or more officers (e.g., holding, restraining, pushing, and pulling) which may include special skills (e.g., boxing, karate, and judo) but do not include the use of *deadly force* or any weapon.
- O. **Probable cause** - Sufficient reason, based upon known facts, to believe a crime has been committed or that certain property is connected with a crime. Probable cause must exist for a law enforcement officer to make an arrest without a warrant, search without a warrant, or seize property in the belief the items were evidence of a crime. *Probable cause* is often subjective, but if the officer's belief or even hunch was correct, finding stolen goods, the hidden weapon, or drugs may be claimed as self-fulfilling proof of probable cause. Technically, probable cause has to exist prior to arrest, search, or seizure.
- P. **Serious bodily injury** - Harm that creates substantial risk of death, serious permanent disfigurement, or loss or impairment of any body function or organ.

III. PROCEDURES

A. Levels of Use of Force:

Use of force or deadly force is controlled by the basic elements of a reasonable officer's perception and a reasonable officer's response. Officers may use only the level of force that is reasonably necessary to stop the perceived threat.

To better understand and explain *use of force* and force issues, officer *perceptions* and officer *force options* are illustrated in the Use of Force Continuum or *force continuum* that is located on the last page of this policy. This chart illustrates five levels of *perception* and five corresponding levels of *response*. Officers must be familiar with, and know how to apply and explain this *continuum*. Refer to the Use of Force Continuum, at the end of this policy.

Officer's general perception and corresponding force options are:

1. **Level 1 – (Compliant)** The suspect is *perceived* by the officer to be *compliant*. The appropriate level of response is *cooperative controls*, including *officer presence, hand signals, verbal commands and instructions, light touching or patting*, etc. In other words cooperation at this level is a *two way street*.
2. **Level 2 – (Passively Resistant)** The suspect is *perceived* by the officer to be *passively resistant*. The appropriate level of response is *contact controls*, including *strong or forceful soft hand, hand and arm-holds, pressured physical movement of the suspect, removal*, etc.
3. **Level 3 – (Actively Resistant)** The suspect is *perceived* by the officer to be *actively resistant*. The appropriate response is *compliance techniques*. This is the threshold for any reasonable officer to consider this suspect to be a potential violent threat to himself, officers, or others. Compliance techniques may include *all reasonable means to cause the suspect to comply as soon as reasonably possible*. These techniques may include *use of chemical weapons, use of restraints, forced movement, forcing a suspect's limbs behind his back, forcing a suspect down on the floor or against a wall, Lateral Vascular Neck Restraint(LVNR)* [if the officer is trained and has demonstrated proficiency in its use] or *using other forms of rough physical force*, etc. Once suspects are perceived as *actively resistant*, officers should not relax care until the subject is fully secured.
4. **Level 4 – (Assaultive & A Threat to Bodily Harm)** The suspect is *perceived* by the officer to be *assaultive – and a threat to bodily*

harm. The appropriate level of response is immediate *defensive tactics*. The original assaultive behavior may have been directed at a fellow suspect, apparent victim, or the officer. *Defensive tactics* may include *impact weapons, hard fist, electronic control devices, or any other reasonable means available* and at hand to stop the aggression, defend against the attack, or bring the suspect into compliance. It is contemplated and understood that reasonable officers, while employing defensive tactics, may cause injury, serious injury, and in some isolated instances, death without intending such consequences.

5. **Level 5 – (Assaultive & Serious Threat of Bodily Harm or Death)**
The suspect is *perceived* by the officer to be *assaultive – serious bodily harm or death*. The appropriate level of response is *deadly force*. Deadly force includes firearms, knives, or any other means immediately available that a reasonable officer, in the same circumstance, would consider as potentially causing death or serious bodily injury.

B. Tactics, Applications, & Officer's Perceptions:

1. **Level 1 – (Compliant) No or Slight Apparent Potential for Harm**
 - a. **Arrival & Presence:** Officer present at the scene. This includes proper voice and/or other identification, body language, and awareness by the subject that he is dealing with an officer of the law. This may also include presence of the officer's vehicle, seeing the officer in his uniform, hearing officer identification, etc. A reasoning person seeing and hearing these things normally alter their behavior, and respond to the officers instructions.
 - b. **Interview Stance:** The officer adopts a stance outside his danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked.
2. **Level 2 – (Passively Resistant) Moderate Potential for Physical Harm**
 - a. **Dialogue Between Parties:** A two way, controlled, non-emotional communications between the officer and the subject, aimed at a problem identification and/or resolution.

- b. **Verbal Direction:** Officer asks, advises, or commands subject to engage in, or refrain from, a specific action or non-action.
 - c. **Soft Hand Techniques:** Officer may choose to employ some assistance in movement, compliance, or removal from the immediate scene.
- 3. **Level 3 – (Actively Resistant) Moderate Potential for Physical Harm**
 - a. **Restraint Devices:** Mechanical tools used to restrict a subject's movement and facilitate searching such as, handcuffs, flex cuffs, leg irons, belly chains, optional nylon restraining devices etc.
 - b. **Chemical Agents Individual Protection Devices:** CS/OC spray agent used to subdue or bring a subject into compliance.
 - c. **Transporters:** Techniques used to control and/or move a subject from point A to point B with the minimum effort by the officer or to gain and retain control over the subject.
 - d. **Takedown:** Techniques that redirect a subject to the ground in a controlled manner to limit physical resistance and to facilitate the application of a restraint device, and to prevent intentional injury to the subject.
 - e. **Pain Compliance:** Techniques designed to force a subject to comply with an officer, as a result of the officer inflicting controlled pain upon specific points in the subject's body such as pressure point techniques.
- 4. **Level 4 – (Assaultive & A Threat to Bodily Harm) Serious Potential for Physical Harm**
 - a. **Electronic Control Device:** Is a Level 4 application of force, when properly employed. Such devices are not be used on persons known to have implanted medical devices such as pace makers or time medical dispensing mechanisms.
 - b. **Incapacitation:** Techniques intended to stun or render a subject temporarily unconscious. These techniques may be an impact weapon, such as a strike to a major nerve area, or lateral vascular neck restraint.

- c. **Intermediate Weapon:** Impact weapons that are primarily used to control a subject such as a baton, expandable baton, Taser®, and/or agency canine.
 - d. **Lateral Vascular Neck Restraint:** Should only be applied when other take-down and restraint procedures have failed. As with other Level 4 devices and techniques, only officers trained and practiced in the technique should attempt to apply it.
5. **Level 5 – (Assaultive & Serious Threat of Bodily Harm or Death) High Potential for Great Bodily Harm or Death**
- 1. **Deadly Force:** Techniques and implements that by their very nature are known to cause death or serious injury. To employ deadly force officers must perceive that an imminent threat to their life or the life of another is present.
 - 2. **Firearm Special Munitions:** Special munitions fired, launched, or discharged from a service handgun, shoulder weapon, or vehicle mounted weapon constitute a Level 5 application of the use of force, and is used with extreme care. Although often referred to as *less-lethal*, officers know that the *less* refers to *less chance of causing death or serious bodily injury*. Special munitions rounds must not be deliberately fired or thrown at the face, chest, neck, or spine of any individual. For more information on special munitions, refer to General Order 05.03 Special Munitions – Distraction Devices, & 05.04 Special Munitions – Less Lethal.

It is important to remember that almost all incidents faced by officers are not scripted, easy to understand, or predictable as to outcome. Officers use their best effort to determine the threat level and apply the corresponding response. Time permitting, officers must use care in evaluating a suspect's actions and perceived threat level. If there is reasonable doubt and time permits, seek assistance before acting. Justification for the use of force and deadly force must be limited to what is *known or reasonably perceived* by the officer at the time of the incident. Facts unknown at the time force is used should not be considered later to determine whether the force was justified.

Officers may not intentionally use more force than is necessary and reasonable under the circumstances. Officers may never use force in response to mere verbal provocation or abusive language directed at the officer. Officers must never use deadly force, except to protect his/her life, or the life of other human being.

response to mere verbal provocation or abusive language directed at the officer. Officers must never use deadly force, except to protect his/her life, or the life of other human being.

3. Application of Use of Force & Deadly Force:

Application of *deadly force* and *force* are authorized by a peace officer only to achieve the following lawful objectives to:

- a. Defend self, or others against serious threats of serious bodily injury or death;
- b. Stop dangerous felony flight, where there is serious imminent risk to the public of death or serious bodily injury;
- c. Stop imminent damage to or theft of property, which by its removal or damage seriously threatens the life or safety of others.

Only when there is a reasonable expectation that altered or damaged property may place others in imminent risk of death or serious bodily injury is the application of *deadly force* appropriate to protect property. Some examples of the use of deadly force to protect property are stopping a suspect from setting a fire, or throwing a bomb; preventing serious damage to a bridge; stopping sabotage to commercial airfields; or deterring the use or theft of what appears to be a weapon of mass destruction, bomb, or other military equipment.

Application of *force* but not *deadly force* is authorized by a peace officer only to achieve the following lawful objectives to:

1. Preserve the peace;
2. Defend themselves, or others against unlawful violence;
3. Prevent the commission of self-inflicted injury or suicide by any person;
4. Make lawful arrests or searches; to overcome resistance to such arrests or searches; and to prevent escape from custody;
5. Prevent or interrupt an intrusion on, or interference

6. Prevent roaming at large by obviously mad or vicious animals, or to relieve animals so badly injured that it cannot reasonably survive from injuries causing prolonged suffering.

Before using any physical force against a suspect, beyond Level I officers must:

1. Have probable cause to arrest that suspect;
2. State his intentions to arrest, and identify himself as a police officer; &
3. State the reason for the arrest.

Amount and degree of force officers may use to achieve an objective takes into consideration the following issues:

1. Nature and seriousness of the offenses committed by the suspect;
2. Threat posed to other persons or the general public if the suspect's behavior continues;
3. Nature and seriousness of the risk of injury to the officer or others;
4. Age, physical condition, and behavior of the suspect;
5. Relevant actions by any third parties;
6. Physical conditions (e.g., visibility) at the scene;
7. Feasibility and availability of alternative actions; &
8. Opportunity and actual ability of the suspect to injure the officer, himself, or others.

Before officers use force (but not *deadly force*) when protecting a person from self-inflicted bodily injury [suicide attempt] or from uncontrollable circumstances, the officer must consider other available alternatives to protect that person from harm.

Officers may use unauthorized objects as weapons, or use weapons in unauthorized manners if emergency circumstances make it necessary to protect human life and prevent serious injury.

Officers may draw and ready any authorized weapons for use only when they reasonably anticipate that they may have to use such weapon(s). This does not require officers to use the weapons.

6. Use of Non-Deadly Force:

Officers use physical strength and skill, restraint devices,

chemical weapons, electronic weapons, or impact weapons to apply non-deadly force only.

Officers have no obligation to *retreat* or *back down* before resorting to approved use of force, including deadly force. Officers may consider retreat or withdrawal where delay could make a more peaceable arrest, or stop, likely if such tactics would not increase risk to self or others. In some cases, an increased show of force may reduce the amount of force necessary to accomplish the officer's objective.

Officers may not attempt to affect arrests alone if there is substantial risk to self from the arrestee or another party unless there are no available reasonable alternatives.

Officers use handcuffs or other restraining devices on all arrestees unless it is obviously unnecessary or impractical (e.g. the elderly, young juveniles, amputees, crippled, injured, or other applicable subjects). Officers must take reasonable precautions to protect arrestees from injury caused by handcuffs or other restraining devices. Only restraining devices and techniques approved by the agency may be used.

Officers may use chemical weapons for self-protection, or to subdue a person unlawfully resisting arrest. Any person upon whom a chemical weapon has been used must be treated or decontaminated for exposure to the chemical agent as soon as practical and thereafter monitored for possible latent effects.

Officers may use approved electronic weapons in accordance with this policy. An electronic weapon is only be used to protect persons from assault or to subdue persons unlawfully resisting arrest.

Lateral Vascular Neck Restraints [LVNR] may only be used by officers to restrain a person if the officer is trained in the proper techniques of applying and using LVNR and the officer has periodically demonstrated a proficiency in the use of such techniques.

Officers may use impact weapons to protect self-or another from assault or to arrest a person who unlawfully and violently resists arrest if lesser methods have failed, or if circumstances warrant the immediate use of the baton.

a.

- b.
- c.
- d.

Officers not trained and currently certified with impact weapons are not authorized to use flashlights or other similar devices as substitutes, except in extreme life-threatening emergencies.

7. Use of Deadly Force:

Deadly force may not be used under the following circumstances:

- a. As a warning or threat;
- b. With the intent to maim or cripple a person;
- c. On a person who has not caused or threatened to cause serious bodily injury or death to another person, including the officer;
- d. On a person who simply flees or evades arrest;
- e. At or from a moving vehicle, except in *exigent circumstances*, and only in an attempt to save human life, or protect the public;
- f. Merely to prevent the destruction or theft of property; or
- g. When the officer has any doubt as to the justification for using deadly force.

8. Reporting Use of Force Incidents:

Officers, who discharge a firearm, use chemical weapons, electronic weapons, impact weapons, special weapons, knives, or who were involved in a bodily injury to themselves or other persons by use of force or deadly force must notify their direct supervisor immediately.

Officers are required to complete a written report detailing the circumstances surrounding the use of force incident. This written use of force report requirement must be met even though other required reports may have already covered the situation.

In incidents where officers cause serious bodily injury or death through the application of deadly force:

- 1.) Call for medics
- 2.) Notify their direct supervisor and back-up.
- 3.) Render First Aid to the victim(s).

In incidents involving the use of force, all officers assist in every way possible with the investigation. Any report required by this policy receives executive review in an effort to:

- a. Protect the integrity of the facts and the evidence;
- b. Ensure that the officer's use of force complied with all appropriate state and federal laws, and agency policy;
- c. Determine if the officer's use of force indicates a need for special counseling, training, or disciplinary action;
- d. Determine whether the situation requires further action; &
- e. Evaluate the need for additional or future, training.

8. Reporting Requirements:

The Chief of Police is notified immediately when any type of deadly force is used and there are resulting *serious physical injuries or death*.

Each officer who witnessed the incident or responded to the scene must complete a written report. These witness reports must be completed no later than the conclusion of the shift in which the incident occurred and filed with the Guam Police Department.

Officer(s) who actually used or employed the deadly force are *relieved of duty with pay* at the scene, and follow-up action handled in accordance post-shooting procedures. For more information on reporting issue refer to General Order 04.22 *Post-Shooting Incident*.

Reports completed by the officers using force, other officers or witnesses include the following:

- a. Description of the events leading to the use of force or deadly force;
- b. Original offense or *probable cause* for the stop or action;
- c. Accurate description of the incident and reasons for employing force;
- d. Description of the weapon or device used and the manner in which it was used;
- e. Description of the injuries suffered, and the treatment given or received;
- f. List of all participants and witnesses to the incident; &
- g. Copy of all incident reports compiled because of the incident.

The Chief of Police formalizes criteria for reporting incidents. Reports of all injuries are filed in the Records and Identification Section and the employee's personnel record.

9. Allegations Against Agency Personnel:

The Guam Police Department, Internal Affairs Unit, investigates all allegations of improper use of force & deadly force, after notifying the Chief of Police. In cases where possible criminal acts are involved, the Criminal Investigation Division and Office of the Attorney General are notified.

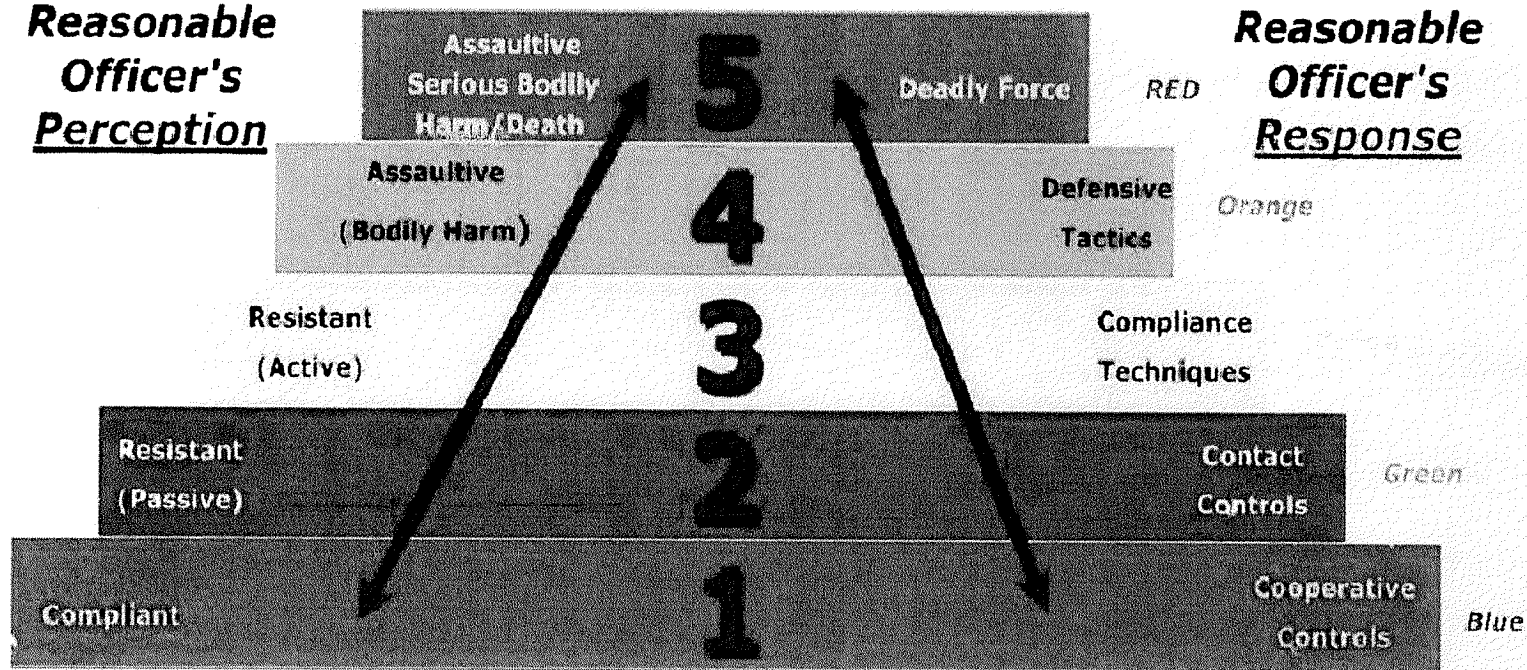
notified.

A handwritten signature in black ink, appearing to read 'Fred E. Bordallo', is positioned above the printed name.

FRED E. BORDALLO
Chief of Police

Use of Force

**Reasonable
Officer's
Perception**



Officer Enforcement Options

ENCLOSURE 4

GUAM POLICE DEPARTMENT

GENERAL ORDER 11-08 FIREARMS

Received By:

Date:



**GUAM POLICE DEPARTMENT
TIYAN, GUAM**

VOLUME V-A

	Date of Issue:	Effective:	No.
GENERAL ORDER	04/19/11	04/20/11	11-08
Reference: GO. 97-03 V(J), VI., VIII., X., XI., XII., XIII. Law Enforcement Officer Safety Act of 2004 Hawaii Police Department GO 810 Craig Police Department GO 7.01		Rescinds: GO. 97-03 V(J), VI., VIII., X., XI., XII., XIII. GO 07-01 and 07-01A	

SUBJECT: Firearms

PURPOSE: To establish departmental guidelines and procedures regulating firearms and related accessories; ammo, holsters, i.e. for Police Officers, Civilian Police Reserve Officers, Retired Police Officers, Detention Officers, Police Officer Trainees, and qualified civilian employees authorized to carry firearms.

THIS ORDER CONSISTS OF THE FOLLOWING NUMBERED SECTIONS:

- I. POLICY**
- II. DEFINITIONS**
- III. DUTIES & RESPONSIBILITIES OF CHIEF FIREARMS INSTRUCTOR**
- IV. SPECIFICATION FOR ISSUED FIREARMS**
- V. AMMUNITION SPECIFICATIONS**
- VI. AUTHORIZED SUPPLEMENTAL FIREARMS**
- VII. USE OF DEADLY FORCE IN DEFENSE OF HUMAN LIFE**
- VIII. FLEEING FELON – NOT AN EXCEPTION**
- IX. SUBMISSION OF WRITTEN REPORT UPON DISCHARGE OF FIREARM**

- X. PROFICIENCY REQUIRED FOR AUTHORIZED SPECIAL FIREARMS
- XI. MONTHLY INSPECTIONS
- XII. USE OF FORCE REPORTING
- XIII. REVIEW PROCEDURE FOR USE OF FORCE INCIDENT INVOLVING BODILY INJURY OR THE USE OF A FIREARM
- XIV. CHIEF'S REVIEW OF USE OF FORCE INCIDENT
- XV. RELIEF FROM DUTY

I. POLICY

The department will sanction the use and possession of only authorized and approved firearms by properly trained and qualified police officers, police reserve officers, detention officers, police officer trainees, retired police officers, and qualified civilian employees. Guam Police Officers, Civilian Police Reserve Officers and qualified civilian employees are required to carry firearms to protect themselves and the general public in the performance of their duties. Retired Police Officers have been included with police officers and civilian police reserve officers to be authorized by the Law Enforcement Officers Safety Act (LEOSA) to carry concealed firearms within each state or territory of the United States. To insure the safety of the public and themselves, officers should be equipped with firearms that have been determined to be adequate for law enforcement purposes. In addition, officers will be proficient in the handling and the use of firearms to ensure safe and efficient deployment. To reach these goals, the department's Chief Firearms Instructor will implement and oversee training and review process that covers every aspect of firearms, related equipment, and use. Any use of a firearm will conform to General Order 97-03 governing Use of Force, and this order.

II. DEFINITIONS

- A. "Chief Firearms Instructor" as used in this directive is an officer who has been certified to teach firearms instruction, and is designated by the Chief of Police among department designated firearm instructors to assume duties and responsibilities as Chief Firearms Instructor.
- B. "Issued revolver" as used in this directive refers to a department owned .38/.357 caliber revolver issued to a member that has been approved and authorized by the Chief of Police for police service.

- C. "Issued semi-automatic pistol" as used in this directive refers to a department owned 9mm/.40/.45 caliber pistol issued to that member that has been approved and authorized by the Chief of Police for police service.
- D. Department owned M-16 select Fire Rifle in a .223 caliber.
- E. "Supplemental firearm" as used in this directive refers to any privately owned revolver/pistol, semi-automatic pistol, shotgun or rifle that has been approved by the Chief of Police for police service or carry in the case of retired officers.

III. DUTIES & RESPONSIBILITIES OF CHIEF FIREARMS INSTRUCTOR

- A. Chief Firearms Instructor: The Chief Firearms Instructor (CFI) is responsible for the establishment and maintaining of effective and safe procedures in the area of police firearms usage. The CFI shall coordinate with providing relevant documents in matters of firearms training to the Training & Staff Development Section. The CFI shall make recommendations and; upon approval by the Chief of Police, develop doctrine and procedures for the accomplishment of the following standards:
 - 1. Establish standards for firearms, ammunition, duty gear and related equipment that may be used by officers, civilian police reserve officers, detention officers, police officer trainees, retired officers and qualified civilian employees.
 - 2. Establish minimum qualification standards, both in number of qualifications and proficiency, for all weapons used by officers, civilian police reserve officers, detention officers, police officer trainees, retired officers and qualified civilian employees.
 - 3. Develop realistic training and qualification courses that accurately measure the effectiveness and proficiency of officers, civilian police reserve officers, detention officers, retired officers, police officer trainees, and qualified civilian employees with the weapons they use.
 - 4. Establish and maintain procedures for the safe operation of any range used by officers, civilian police reserve officers, detention officers, retired officers, police officer trainees, and qualified civilian employees.
 - 5. Establish and maintain procedures for the safe and secure storage of departmental weapons, ammunition and related equipment. Note: Any officer, civilian police reserve officer, retired officer, detention officer, police officer trainee, or qualified civilian employee that brings or carries any firearms into the department shall keep them under their immediate control or, lock the items in a secure key-controlled area that prevents access by unauthorized personnel. Key-controlled areas

include: locking desk, file cabinets, private offices, armory, vehicles, and gun lockers, etc.

6. Continually evaluate, and if necessary, update the department's doctrine and procedures in regards to firearms usage.

B. The Chief Firearms Instructor will be responsible for the following duties:

1. Schedule, and supervise firearms qualifications, and maintain documentation of individual firearms and qualifications.
2. Ensure proper documentation of non-qualifying officers, detention officers, civilian police reserve officers, police officer trainees, police retirees, including remedial training, re-qualification and notification of the Chief of Police.
3. Budget preparation and purchasing equipment/supplies
4. Inventory
5. Range Maintenance
6. Determine qualification courses
7. Ensure that the range is operated in a safe manner, immediately correcting any safety issues needing attention.
8. Ensure department weapons, ammunition and related equipment (that is assigned to the Armory Section) is secure.
9. Inspect firearms, duty gear, ammunition and any other firearms related equipment for safety, quality, and effectiveness. The CFI may test fire any ammunition or firearm to insure their reliability and safety.
10. Train and assist those personnel that need improvement in the area of firearms usage; including marksmanship, safety, maintenance, related equipment usage, and officer survival techniques.

IV. SPECIFICATION FOR ISSUED FIREARMS

- A. Uniform Duty: Uniform officers shall be issued a semi-automatic pistol. The issued semi-automatic pistol shall be the Glock .40 caliber model 22. The Chief of Police may authorize the use of firearms other than the Glock .40 caliber model 22.

- B. Non-uniformed or plainclothes officers shall be issued a semi-automatic pistol. The issued semi-automatic pistol shall be a Glock .40 caliber Pistol Model 23. The Chief of Police may authorize the use of firearms other than the Glock .40 Caliber Pistol Model 23.
- C. Tactical Units: The Chief of Police may authorize the use of different makes and models of firearms not specifically listed in this policy by trained tactical units. This includes, but is not limited to, fully automatic firearms and other specialty weapons designed and intended for use by trained members of a tactical unit.
- D. Retired Officers of the Guam Police Department: Retired Officers shall not be issued a department firearm. Firearms authorized for carry must be consistent with LEOSA of 2004.
- E. Qualified civilian employees of the Guam Police Department, authorized by the Chief of Police who have successfully completed the departments firearms training, may be issued a Glock .40 Caliber Pistol Model 23 . The Chief of Police may authorize the use of firearms other than the issued pistol.
- F. Prohibited Revolvers/Semi-Automatic Pistols: All revolvers or semi-automatic pistols other than those authorized by the Chief of Police shall be prohibited for use by officers, civilian police reserve officers, detention officers, retired officers, police officer trainees, and qualified civilian employees.
- G. Alterations: No alterations will be made to the issued firearms that will affect the operation that have not received approval from the Chief of Police. Any and all alterations will be performed by the department certified Armorer, and inspected by the CFI.
- H. All officers, civilian police reserve officers, detention officers, police officer trainees, and qualified civilian employees must keep their firearms clean and in workable condition at all times. Authorized personnel are responsible for safe handling of their firearms at all times and must properly secure their firearms when they are not under their direct control, whether on duty or off duty.
 - 1. All firearms and their ammunition may be test fired by the CFI to insure their reliability and safety.
 - 2. Authorized personnel shall carry their badges, department identification cards, and weapons qualification cards whenever they are carrying a firearm concealed, non-concealed, on-duty or off-duty.
 - 3. Authorized personnel are authorized to carry a firearm only after he/she has passed the department's firearms qualifications course.

4. Authorized personnel will not carry firearms for use, when consuming alcoholic beverages or under medication that would inhibit their physical or mental abilities.
5. Firearms shall not be displayed, exhibited, handled or placed in such a manner or position that would initiate valid criticism of the authorized personnel or the department or violate public safety. In addition, firearms shall not be placed or handled in a manner that endangers persons near the firearm.
6. Authorized personnel will secure their issued firearms with the Armory Section prior to leaving off-island for leave status.
7. Authorized personnel of this department should not voluntarily surrender his/her firearm to anyone who may be holding a hostage or is a suspect of criminal activity. However, the ultimate decision must be made by each individual member involved based upon the circumstances that surround the incident.
 - a) Discharge of Firearms – Procedures for reporting: When an officer, civilian police reserve officer, detention officer, retired officer, police officer trainee, or qualified civilian employee discharges his/her firearm, either accidentally or in the performance of his/her duties, he/she shall verbally notify the nearest police supervisor. He/she shall forward an incident report to the Chief of Police. If the person who discharged his/her weapon is hospitalized or fatally injured and incapable of filing the report as required, his/her immediate supervisor is responsible for filing a complete report as soon possible. The CFI will receive a copy of the report of the incident surrounding the shooting.
 - b) Investigations of all firearm discharges shall be headed by a Police Sergeant and above. In questionable situations, a review board may be appointed by the Chief of Police to evaluate and review the incident and make recommendations for action. Upon completion of the investigation, written results will be submitted to the Chief of Police, and to the person under investigation.

I. Officers Firearm and Holster Information

1. A form that lists an authorized person's firearms, to include duty, and all authorized off-duty weapons will be maintained by the CFI. This form will be updated at each qualification. The form will also include firearms inspection for each firearm the officer carries. The inspection will consist of checking for a properly functioning firearm (i.e. firearm functions as it was originally designed, the safety features are all operable, no loose or missing parts, proper sights and grips and the firearm is suitable for the job the person is expected to perform). The

CFI and or designated Firearms Instructors will do this inspection during the annual firearms qualification or as scheduled by the Chief of Police.

2. The above-mentioned form will also include all information on all authorized person's on-duty holsters, which will be inspected once a year, or as scheduled by the Chief of Police during a qualification shoot. The inspection will consist of checking the holster to ensure that it is capable of retaining a firearm if an authorized person becomes involved in a struggle or has to run; allows easy access of the firearm by the authorized person; retaining devices (i.e.: snaps and friction devices) are all in proper working order; the looks and quality of the holster fall within department guidelines; and finally the holster is not worn or falling apart, which would hinder its function to retain a firearm. This inspection is to be conducted by the CFI or a designated Firearms Instructor.

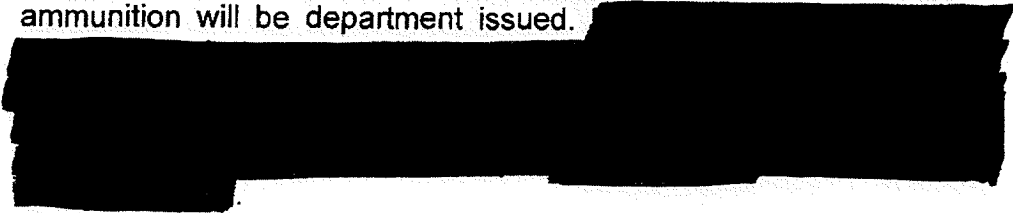
Any holster that an authorized person carries for a duty or off duty firearm will be inspected.

3. Holster Requirements:
 - a. The following specifications apply to the use of both department and privately-owned holsters for department issued pistols and supplemental revolvers or semi-automatic pistols. Holsters utilized by authorized persons to store and carry authorized firearms shall:
 - 1) Have the ability to be securely fastened to the authorized person through the use of a belt, strap or other similar method;
 - 2) Have a minimum of a level 2 retention device which retains the firearm securely within the holster yet allows for easy access and removal by the authorized person;
 - 3) Maintains the shape of the firearm (i.e. non-collapsible) after removal and allows for one-hand draws and returns;
 - 4) Allows for a "finger off-the-trigger" grip on the firearm while it is in the holster; and
 - 5) Be utilized by the authorized person during annual qualification periods and be approved by the CFI.
 - 6) All privately-owned holsters which are utilized for off-duty purposes or with authorization for on-duty purposes shall be in conformity with the standards established herein.

4. Magazine Pouches/Magazines:

- a. Magazines pouches will be double pouched, worn horizontally or vertically, with either a snap, Velcro closure or friction device.
- b. Authorized persons will carry a minimum of two (2) magazines, fully loaded to its specified capacity.
- c. Extended magazines will not be authorized on the weapon for regular carry in a holster. Extended magazine can be carried as a spare only.

J. Department-Owned Shotguns/Rifles

1. Department-owned shotguns and rifles are available for use by qualified personnel in situations or circumstances that warrant the use of such firearms, including patrol purposes.
2. Storage of department-owned shotguns and rifles will be within secured rooms or containers at department entities.
3. Authorization to use such firearms shall be at the discretion of sections, division chiefs or their designated representatives.
4. Applicable laws and department policies regarding the care, custody, control, and use of such firearms bind persons who are authorized to use department-owned shotguns or rifles.
5. All shotguns will be departmentally issued 12 gauge pump, have a maximum barrel length of 18 inches, and will have a smooth bore. All ammunition will be department issued.

6. Authorized persons, prior to carrying a shotgun will show proficiency in the use of the shotgun, including maintaining qualification standards determined by the CFI, and has completed a training class in the use and handling of a shotgun.
7. A police rifle is a special firearm designed to replace or supplement the shotgun. Acceptable police rifles will be determined by the CFI with the approval of the Chief of Police. The department will be responsible for the approval of all patrol rifles and ammunition.

8. Authorized personnel will carry a police rifle only after he/she has shown proficiency in the use of the firearm and has completed the required training class on the handling and use of special firearms. The firearm must be examined and approved by the CFI, and the authorized person must meet qualification standards for the police rifle as determined by the CFI.

K. Replacement and Repairs

1. Replacement and repairs of department-issued firearms shall be coordinated by the CFI and the armory section.
2. Personally owned weapons authorized for official use shall have the cost of repair or replacement incurred by the owner.

L. Inspection and Repair

1. Periodic Inspections

- a. Authorized personnel will be responsible for keeping their firearms serviceable at all times.
- b. It shall be the responsibility of commanding officers to ensure that periodic inspections are conducted of firearms issued to or carried by personnel assigned to their commands.
- c. Any firearm carried by authorized personnel is subject to inspection at anytime by a supervisor, the CFI, or firearms range safety officers.
- d. Department firearms found to be unserviceable will be turned over to the department's armory for repair and disposition.
- e. Firearms that do not meet the specifications of this directive or are found to be un-repairable will be removed from police service.

2. Areas of Firearms to Inspect

a. Revolver

- 1.) Trigger: Examine for proper single and/or double action trigger pull. A single action trigger pull of less than three (3) pounds will render the revolver unserviceable for police service.
- 2.) Cylinder: Examine for proper cylinder rotation and latching.
- 3.) Firing Pins and Sights: Examine to see if firing pin is sheared and if sights are damaged.

- 4.) Bore and Chambers: Examine for rust, dirt, pitting or any obstruction.
 - 5.) Cartridges: Examine for dents, non-crimped projectiles, and defective primers.
- b. Semi-Automatic Pistol
- c. Trigger: Examine for proper single and/or double action trigger pull. A single action pull of less than four (4) pounds will render the semi-automatic pistol unserviceable for police service.
 - d. Slide and Frame: Examine for cracks and fractures in both the slide and frame.
 - e. Sights: Examine to determine if sights are serviceable. Examine sights for damage.
 - f. Safety Devices: Examine for proper operation of safety mechanisms.
 - g. Chamber and Bore: Examine for rust, dirt, pitting or any obstruction in chamber and bore.
 - h. Magazine: Examine for damaged or inoperable magazines.
 - i. Cartridges: Examine for dents, non-crimped projectiles and defective primers.
 - j. Extractor and Ejector: Examine for proper extraction and ejection.
- C. Rifles and Shotguns.
1. Firing Pins and Sights: Examine to see if firing pin is sheared or if sights are damaged.
 2. Bore and Chambers: Examine for rust, dirt, pitting or any obstruction.
 3. Cartridges: Examine for dents, sparing non-crimped projectiles and defective primers.
 4. Extractor and Ejector: Examine for proper extraction and ejection.
 5. Serviceability: Check for proper serviceability and function per manufactures specifications.

M. Qualification

1. Policy: It is the department's policy that all officers, civilian police reserve officers, detention officers, police retirees, police officer trainees, and qualified civilian employees must attend a basic firearms course and successfully qualify with firearms before carrying or use of such firearms. During the course, authorized personnel will be apprised of the department's "Use of Force" policy. The firearms course will also consist of a lecture on firearms safety, firearms maintenance, basic marksmanship, and range practice. The course will conclude with the officer, civilian police reserve officer or qualified civilian employee qualifying on the approved course of fire.

A. Retired Officers, Civilian Police Reserve Officers, Regular Full-time Officers, Detention Facility Guards, and qualified civilian employees must qualify with all firearms he/she intends to use for police service or in the case of retired officers carry as authorized in LEOISA 2004.

B. Authorized personnel must wear issued police body armor during departmental training and qualifications of service or supplemental firearms.

C. After the initial qualification, authorized personnel shall qualify annually, or as scheduled by the Chief of Police, with all the firearms (issued, privately-owned, supplemental) that they intend to carry or use.

D. If he/she fails to qualify with an issued semi-automatic pistol, he/she shall:

- 1.) Be rescheduled to qualify within two weeks;
- 2.) Practice on own time;

3.) Supply own ammunition for practice, and;

4.) Be assigned to a duty where the official use of the issued semi-automatic pistol is limited until the officer qualifies with the issued firearm.

E. If he/she fails to qualify after a reasonable amount of training and testing sessions, the necessary administrative action will be taken.

F. If he/she fails to qualify with any approved firearm, that person:

- 1.) Shall be prohibited from using or carrying that firearm for police service, or carry the firearm for use, until he/she qualifies with the firearm, and;
- 2.) Shall make arrangements to practice and qualify on his/her own time.

G. Excused absence: Definition: Any previously scheduled non-emergency leave or scheduled conflict, or an emergency situation that arises which precludes authorized personnel from reporting for mandatory training/qualification (vacation, court appearance, scheduled holiday, sick day-day off not included). Authorized personnel must notify the CFI, or designee of their intended absence at least 48 hours prior to intended absence, if possible. Authorized personnel not attending a mandatory qualification are responsible for contacting the CFI to reschedule the qualification shoot.

2. Qualification Standards: All department firearm qualifications are held annually, or as scheduled by the Chief of Police.

a. Revolver/Semi-Automatic Pistols:

- 1.) A prescribed standard qualification course approved by the Chief of Police, and administered by the CFI.

b. Shotguns/Rifles:

- 1.) A prescribed standard qualification course approved by the Chief of Police and administered by the CFI.

QUALIFICATION RULES:

1. At each qualification shoot, each qualified personnel will be given one opportunity to qualify. If he/she is unable to achieve a minimum score, he/she will be given another opportunity. Prior to the second attempt he/she will receive immediate remedial training by the CFI and or designated firearms instructor. If he/she fails to qualify on the second attempt, he/she will be afforded another opportunity to qualify within a week. If he/she still fails to qualify, he/she will be informed by the CFI that he/she is not authorized to use or carry that weapon, and that the Chief of Police will be immediately notified. Further, employed full-time officers and reserve officers will be assigned to an administrative position which does not require arming, pending further disposition to the CFI for remedial firearms training for the duration of three days. In the case of retired officers: they will not be sanctioned by the department to carry firearms until passing firearms qualification at no cost to the department.

2. Authorized personnel who attend the 3-day remedial firearms course after failing the 2nd firearms shoot, will be given another opportunity to qualify. The CFI will make every attempt during the 3-day remedial training to assist personnel concerned in improving his/her shooting ability. The department will supply the ammunition for remedial training and a 3rd re-shoot.
3. If he/she is unable to achieve the required minimum score after remedial training and two (2) more qualification attempts, he/she will be placed on suspension without pay. The suspension period can last up to 30 days. At the end of this period, the non-qualifying person will be required to qualify.
4. Once he/she successfully qualifies with the firearm, he/she will be informed in writing and will be allowed again to use that firearm, and the Chief of Police will be notified. All documentation of the remedial training and re-qualification will be placed in his/her training file.

N. Firearms Qualification Cards

1. Firearms Instructors assigned to the range on the day of qualifications shall keep record of all scores, involving all firearms and courses.
2. Firearm Instructors, upon qualifying authorized personnel for the use of any type of approved firearm, shall insert the necessary data on the Firearms Qualification Card, and submit it to the CFI for certification. Qualification Cards will be forwarded to the Officer-in-Charge of the Training & Staff Development Section.
3. The Officer-in-Charge of the Training & Staff Development Section shall forward the completed Firearms Qualification Card signed by the CFI to the Chief of Police for approval. After the cards have been signed, the cards will be forwarded to GPD Personnel Section for lamination and distribution.
4. Firearms Qualification Cards expire one year from the date of issue. Expired cards will be forwarded to the Training & Staff Development Section for record-keeping purposes.
5. Authorized personnel will carry their Firearms Qualifications Cards with them at all times when carrying their assigned/authorized firearm(s).
6. Immediate supervisors or commanders shall conduct periodic inspections to ensure that officers authorized to carry departmental firearms or supplemental firearms possess valid Firearms Qualification Cards.
7. No firearm shall be issued to nor shall any officer be allowed to carry or utilize any firearm without the possession of a current Firearms Qualification Card.

V. AMMUNITION SPECIFICATIONS

All ammunition used shall conform to the manufacture's specification.

1. Issued/supplemental Revolvers: Department-issued and authorized supplementary .38/.357 revolvers shall be restricted to the use of the following ammunition:
 - A. .38 Caliber cartridges with 110 grain controlled expansion hollow-point head; or Ammunition to be used for training or qualification purposes and which has been authorized for use by the CFI at the concurrence of the Chief of Police, or;
 - B. Any other .38 caliber ammunition specifically approved by the Chief of Police.
 2. Issued/Supplemental Semi-Automatic Pistols: Department-issued and authorized supplementary 9mm semi-automatic pistols shall be restricted to the use of the following ammunition:
 - A. 9mm Luger (Parabellum) cartridges with 147 grain hollow-point or controlled expansion heads, or;
 - B. Ammunition selected to be used by for training or qualification purposes and which has been authorized for use by the CFI at the concurrence of the Chief of Police, or;
 - C. Any other 9mm ammunition specifically authorized by the Chief of Police.
 - .40 S&W cartridge with 165 grain hollow point or controlled expansion head.
 - .45 auto in 230 grain hollow point or controlled expansion head or;
 - Ammunition selected to be used for training or qualification purposes and which has been authorized for use by the CFI at the concurrence of the Chief of Police, or;
 - Any other .40 S&W/.45 auto ammunition specifically authorized by the Chief of Police.
- Department-Owned/Supplemental Shotguns: Department-Owned and authorized supplementary 12 gauge shotguns shall be restricted to the use of the following ammunition:

- a. $\frac{3}{4}$ inch, 12 gauge shotgun shells, with one ounce rifled hollow point slugs, or;
 - b. 2 $\frac{3}{4}$ inch, 12 gauge shotgun shells, with nine pellet, oo buck shot, or;
 - c. Ammunition selected to be used for training or qualification purposes and which has been authorized for use by the CFI at the concurrence of the Chief of Police, or;
 - d. Any other 12 -gauge ammunition specifically authorized by the Chief of Police.
- 6.) Department-Owned/Supplemental Rifles: Department-Owned and authorized supplementary rifle shall be restricted to the use of the following ammunition: .223 "soft point" ammunition.
- a. Ammunition selected to be used for training or qualification purposes and which has been authorized for use by the CFI at the concurrence of the Chief of Police, or;
 - b. Any other .223 ammunition specifically authorized by the Chief of Police.

VI. AUTHORIZED SUPPLEMENTAL FIREARMS

Officers are limited to the following makes and models of supplemental revolvers, semi-automatic pistols, shotguns and rifles for police service and for carry by retired officers.

A. Revolvers

1. Limitations: Smith & Wesson revolvers shall have barrel lengths between two (2) and six (6) inches, dark-colored wood, plastic or rubber grips and blue or stainless steel finishes.
2. Specific makes/models that are capable of firing other than .38/.357 magnum rounds are not authorized for supplemental use.
3. The Chief of Police may specifically authorize any other revolver.

B. Semi-Automatic Pistols

1. Limitations: All supplementary semi-automatic pistols shall have barrel lengths between three (3) to six (6) inches, dark-colored wood, plastic or rubber grips and blue or stainless steel finishes. Smith & Wesson semi-automatic pistol, 9mm caliber which includes the following specifications:

- a. Magazine Safety
- b. Disconnecter Safety
- c. Firing Pin Lock Safety
- d. Factory installed ambidextrous or single-sided safety/de-cocking lever operated on the side of the slide assembly or any other semi-automatic pistol specifically authorized by the Chief of Police.
- e. Other supplemental pistols (issued or personally owned) such as the Sig Arms (Sig Sauer), Glock, Springfield Armory, Colt, Beretta, Heckler & Koch and others will be authorized by the CFI and concurred by the Chief of Police.

C. Shotguns

1. Limitations: All supplementary shotguns shall have barrel lengths of eighteen (18) inches or longer, dark-colored wood, plastic, rubber or, metal stocks, and blue, matte or stainless steel finishes. Folding stocks are permitted provided it is solidly constructed and does not interfere with the operation of the firearm. Pistol grip stocks, when not incorporated into solid or folding stocks are prohibited.
2. Specified Makes/Models: Remington 870 series 12 gauge pump or Mossberg 500 series 12 gauge pump or any other shotgun specifically authorized by the Chief of Police.
3. Semi-automatic shotguns: The use of semi-automatic shotguns shall be reserved for trained tactical units established by the Chief of Police.

D. Rifles

1. Limitations: All personally owned supplementary rifles shall have a barrel length of sixteen (16) inches or longer, dark colored wood, plastic, rubber or metal stocks and blue matte or stainless steel finishes. Folding/collapsible stocks are permitted providing it is solidly constructed and does not interfere with the operation of the firearm.
2. Specifications: All supplemental rifles that are of the semi-automatic/bolt action configuration and chambered for the .223 (5.56mm) or .30 caliber shall be of the AR-15 type style (such as the Colt, Bushmaster, Armalite, etc.) are authorized. Supplemental bolt action style of rifles will be limited to specialized units such as S.W.A.T.

E. Prohibited Personally Owned Supplementary Firearms

1. All fully automatic firearms.

2. Firearms with silencers or any device designed to muffle sounds.

Qualification Records

The Training & Staff Development Section shall maintain a record of current firearms qualifications, which includes the name of the officer, date of qualification, firearms instructor and the firearm(s) that the authorized person qualified with. The record should also indicate the holster(s), other than department issued, that the member has qualified with, and the firearms instructor has determined suitable for police service based on the set criteria in this directive.

VII. USE OF DEADLY FORCE IN DEFENSE OF HUMAN LIFE

The use of deadly force is authorized only when an officer reasonably believes that it is necessary to protect himself/herself or others from an immediate threat of death or serious bodily harm.

- A. "Reasonable belief" means the facts or circumstances the officer knows or should know are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- B. "Serious physical injury" means a bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement or results in long-term loss or impairment of the functioning of any bodily member or organ.

VIII. FLEEING FELON – NOT AN EXCEPTION

Deadly force may be used to apprehend a fleeing felon (a person who an officer has reasonable cause to believe has committed a violent felony and is fleeing from the officer) only if the requirements of Section II and above, are met.

IX. SUBMISSION OF WRITTEN REPORT UPON DISCHARGE OF FIREARM

A written report shall be submitted and forwarded through channels to the Chief of Police whenever an employee discharges a firearm, other than in routine firearms training or for recreational purposes. The report should set forth all circumstances surrounding the incident. If the facts of an incident support a conclusion that the shot was the result of negligence, the officer will be required to undergo firearms certification training again.

The employee discharging the firearm shall be responsible for completing the report, which must be submitted within the first working day immediately following the incident. If the employee is unable to do so, then the immediate supervisor of the employee is responsible to ensure the report is completed.

X. PROFICIENCY REQUIRED FOR AUTHORIZED SPECIAL FIREARMS

It shall be the responsibility of the concerned division, section unit supervisor to insure that submachine guns, rifles, and shotguns are issued only for tactical use or during special operations and only to personnel proficient in the use of these weapons. Submachine guns, rifles, and shotguns shall be stored in their designated security compartment at the end of each operation or tour of duty.

XI. MONTHLY INSPECTIONS

It shall be the responsibility of the heads of divisions, district/precinct Commanders, section and unit officers-in-charge to insure that monthly firearm inspections are conducted.

XII. USE OF FORCE REPORTING

- A. When an officer takes any action that results (or is alleged to have resulted) in injury or death to another person including traffic accidents and/or applies force through the use of lethal or non-lethal weapons, an official police report shall be submitted which shall include the circumstances surrounding the incident, a description of injuries, medical treatment received and the type of weapons involved.
- B. The officer involved in the alternation shall notify both the beat area supervisor and his/her immediate supervisor.
- C. The beat area supervisor where the incident occurred is responsible for ensuring that the report is completed and a copy forwarded to the involved employee's commanding officer.

XIII. REVIEW PROCEDURE FOR USE OF FORCE INCIDENT INVOLVING SERIOUS BODILY INJURY OR DEATH

When an officer is involved in a shooting incident the responding officers should promptly remove from the scene.

The employee's supervisor shall immediately report to Internal Affairs Section for investigation and further disposition, incidents involving the use of force with a firearm or incidents involving serious physical injury or death.

The employee's supervisor shall ensure that officer's family and peer support counselor are notified of the incident. Any officer request to contact an attorney shall be facilitated. The officer's supervisor or Internal Affairs investigator shall immediately contact the Staff Psychologist/Contract Psychologist.

Officers at the scene should provide a compassionate response to the officer(s) involved in a shooting. The Staff Psychologist/Contract Psychologist should assess the mental status of the officer as soon as possible. The officer's weapon should be confiscated.

However, a replacement weapon can be issued after 24-hour period, upon the recommendation of the Staff Psychologist/Contract Psychologist. If the psychological evaluation determines that the officer is emotionally affected by the experience, he or she should not be given a replacement weapon and a period of rest of no more than 24 hours before a detailed interview should be allowed.

Any officer involved in a shooting incident may be placed on administrative leave, and mandatory counseling should be provided within the next two (2) days. Counseling should be extended to the officer's family on a voluntary basis.

Administrative and criminal investigations should be conducted with tact, and measures should be taken to treat the officer involved in a shooting incident with the same respect that any officer taking a line of duty action deserves.


XIV. CHIEF'S REVIEW OF USE OF FORCE INCIDENT

Internal Affairs Section shall conduct an investigation in circumstances described in Section X and forward a copy of a report of its investigation to the G.P.D. Legal Office. The Legal Officer shall submit a summary of findings to the Chief of Police. The findings shall include the relevant facts and circumstances surrounding the incident and a conclusion as to whether department directives were violated.

XV. RELIEF FROM DUTY

- A. In the event that the use of force by an officer results in death or serious injury, the officer shall be relieved from line-duty assignments pending an administrative review of the case. The officer may be assigned to desk watch or other non-line assignment, or may be assigned to Administrative Leave with pay based on a recommendation by the Staff Psychologist/Contract Psychologist.
- B. To defuse the stigma of seeking counseling, there shall be a confidential debriefing with the Staff Psychologist prior to returning to duty. The debriefing should be held as soon after the incident as practice. Return to duty and/or follow-up sessions should be determined by the Staff Psychologist/Contract Psychologist.

C. The officer shall not be returned to a field assignment until the conclusion of the investigation, and it is deemed appropriate by his commanding officer and the Chief of Police as recommended by the Staff Psychologist.


FRED E. BORDALLO
Chief of Police

ENCLOSURE 5

GUAM POLICE DEPARTMENT

GENERAL ORDER 11-14 PATROL RIFLE

Received By:

Date:



GUAM POLICE DEPARTMENT TIYAN, GUAM

GENERAL ORDER	Date of Issue: 09/12/11	Effective: Immediate ly	No. 11-14
Reference: GO .07-01 V(J), VI.,VIII.,X.,XI.,XII.,XIII.		Rescinds:	

SUBJECT: Patrol Rifle

PURPOSE: To establish departmental guidelines and procedures regulating the proper use of the Patrol Rifle in the performance of police duties.

THIS ORDER CONSISTS OF THE FOLLOWING NUMBERED SECTIONS:

- I. POLICY
- II. BACKGROUND
- III. DEFINITIONS
- IV. RIFLE SPECIFICATIONS
- V. AMMUNITION SPECIFICATIONS
- VI. AUTHORIZED PERSONALLY OWNED RIFLES
- VII. MAINTENANCE, MODIFICATIONS AND STORAGE
- VIII. TRAINING AND QUALIFICATION
- IX. INSPECTION
- X. RIFLE DEPLOYMENT PROCEDURES
- XI. RIFLE ACCESSORIES

I. POLICY

The department issues or approves the use of select fire (issued) or semiautomatic (personally owned) rifles to specifically selected officers to more effectively and accurately address the increasing level of firepower and body armor utilized and available by criminal suspects. Any use of a firearm will conform to General Order 97-03 governing Use of Force, and General Order 07-01 governing Firearms.

II. BACKGROUND

A rifle provides advantages to officer's dealing with armed suspects at greater distances, wearing ballistic protection, or in circumstances that reduce the safety and effectiveness of the use of a handgun. For unconventional situations where police may face heavily armed **and/or** ballistically protected suspects, these rifles are a tool to allow the potential resolution of these incidents by providing a tactical advantage not available with more conventional police firearms.

III. DEFINITIONS

A. Patrol Rifle

A patrol rifle is an authorized weapon which is owned by the department or personally owned by a sworn member of the department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun. No personally owned rifle may be carried or used for duty unless **pre-**approved in writing by the Chief of Police.

B. Select Fire Rifle

A select fire rifle is a rifle that gives has option of shooting in the semiautomatic mode (one pull of the trigger, one shot is fired), or **full-**automatic mode (one pull of the trigger, more than one shot is fired).

C. Semi-Automatic Rifle

A semi-automatic rifle is a rifle that can only fire in the semi-automatic mode.

D. Patrol Rifle Operator (PRO)

An officer specifically selected, trained, and qualified that is authorized to use the Patrol Rifle.

IV. RIFLE SPECIFICATIONS

The department issued patrol rifle shall be the Colt M16. The M16 is chambered for the 5.56 mm cartridge. The department also has in its inventory, various makes and models of the AR-15 type semi-automatic rifle chambered for the .223 caliber cartridge.

V. AMMUNITION SPECIFICATIONS

All ammunition used shall conform to the manufacture's specification.

1. **Issued/Personally Owned Patrol Rifles** shall be restricted to the use of the following ammunition:

- A. Duty Ammunition
- B. .223 caliber, 55 gr. Soft Point Ammunition.

VI. AUTHORIZED PERSONNALLY OWNED PATROL RIFLES

Personal owned patrol rifle shall be limited to be standard with the department's semi-automatic patrol rifle. It shall be of the type commonly known as the AR-15 (due to the familiarity of the AR-15 functions and to take advantage of the training many of our officers received in military **service**), but with various designations depending upon manufacturer. The rifle should be chambered for the 5.56 mm/.223 caliber cartridge. The barrel should be no shorter than sixteen (16) inches and up to twenty (20) inches in length and may have either a fixed or collapsible stock.

VII. MAINTENANCE, MODIFICATIONS, AND STORAGE

Maintenance

- A. The overall responsibility for maintenance of department issued patrol rifles shall fall on the department Armorer.
- B. Each command that has been issued patrol rifles will assign a PRO to conduct periodic inspection and preventive maintenance of the department rifles.

Modifications

- A. Department issued patrol rifles assigned to commands (other than Special Operations Division (SWAT)) will not be modified. Since SWAT rifles are their primary duty weapons, any modifications to the rifle must be approved by their division chief and all modifications must be completed by the department Armorer.

Storage

- A. Each command/precinct/section that have been issued patrol rifle will secure the rifles to the issued M16 Rifle Rack and secure the rack with a padlock. Said rack should be placed in a secure room with limited access to sworn officers and not accessible by the public, or arrestees.
- B. All patrol rifles shall be placed in issued protective cases with up to ninety (90) rounds of department approved and issued ammunition in the department issued patrol rifle magazines.
- C. All rifles (in protective cases) are to be stored in the trunk of the assigned officer's patrol car during their tour of duty. Department issued rifles are to be returned and secured back in the rifle rack at the end of the tour. No rifles will be left in the fleet vehicle trunks.

VIII. TRAINING AND QUALIFICATION

There will be a required twenty four (24) hour PRO Training Course to be administered to officers that are selected by their respective command. Upon successful completion this course, a PRO Weapons Certification Card will be issued by the department Armorer to be valid for only one year from the date of qualification and shall re-qualify annually.

IX. INSPECTION

Each command shall ensure that each patrol rifle is inspected frequently and ensure that it is adequately maintained. An Armorer's inspection of the rifle, its magazine, and ammunition shall occur at a minimum of one time per year. All personal owned rifles will be inspected and approved by the department Armorer prior to that rifle being certified for use by the officer.

X. RIFLE DEPLOYMENT PROCEDURES

Patrol Rifles shall be deployed only in situations that the officer reasonably believes that the tactical advantage afforded by the rifle may be necessary. This order does not seek to articulate the only situations where rifle

deployment is appropriate. The on-scene judgment of the officer or **supervisor** is the first indicator of appropriate deployment. It will be up to each command to decide how many rifles will be authorized for use per shift. [REDACTED]

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XI. RIFLE ACCESSORIES

A. Optics

Optics is authorized only on SOD (SWAT) issued weapons. Patrol Rifles assigned to other commands is prohibited from using any type of optics unless expressly authorized by the Chief of Police. Any modification to the patrol rifle will be completed by the department Armorer. Officers with Personal Owned Patrol Rifles, that are approved and authorized for duty use, can utilize optics only if back up iron sights are attached to the rifle also.

B. Iron Sights

All issued patrol rifles come standard with factory installed iron sights. It is prohibited to modify the patrol rifle in any way.

C. Slings

All Patrol Rifles issued will come with a sling. No other sling is authorized to be utilized on the department rifles with the exception of SOD (SWAT) rifles.

D. Lights

Any type of light/illumination system that is attached to the issued patrol rifle is not authorized with the exception of SOD (SWAT) issued rifles.

No other accessories (ie. Bayonet, laser sight, scopes, etc.) is authorized and is prohibited to be used on the department rifle without expressed authorization from the Chief of Police.

FRED E. BORDALLO